IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

TAKEN UP WRIT PETITION NO : 1628 of 2000

Between:

Sri Madhu
R/o. Govindaraopet Village & Mandal, Warangal District.

..... PETITIONER

AND

1 The S.H.O. Pasra (P.S.), Mulugu Circle & Sub-Division.
Warangal District.
2 The Sub-Inspector of Police, Pasra (P.S.), Mulugu Circle & Sub-

Division. Warangal District.
3 The Circle Inspector of Police, Pasra (P.S.), Mulugu Circle & Sub-

Division. Warangal District.
4 The O.S.D.(The District Special Party), Warangal, Warangal District.
5 The Superintendent of Police, Warangal. Warangal District.
6 The Director General of Police, Govt. of A.P. Hyderabad.
7 The Secretary to the Govt. of A.P., Home (police) Dept.,
Secretariat, Hyderabad.
8 The Superintendent, Mulugu Govt. Hospital, Mulugu, Warangal

District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

issue an Order, direction, or a Writ, more particularly one remarks from the Respondents herein, in and connected to "Killing of Four Persons, Viz., (1) Muppidi Thirupathi alias Maganna, native of Asamnagar, Bhoopal Mandal, Warangal District; (2) Muppidi Sujatha (a pregnant Women) native of Mallampally Village; (3) Muddpidi Kumar, and (4) Niranjan, native of Bhagirathipeta Village, Warangal District in a Fake en-counter on 01-02-2000 at 10.00 A.M., in Karlapally Forest area, in Pasra Police Station area, Mulugu Police Division, Warangal District, after taking them into Custody while they are preparing tea in the forest area by the Police belonging to District with the assistance of Pasra Police, and pass Orders (1) For re-post-mortem examination over the four dead bodies; (2) Calling for the entire case records of the case from S.H.O., Pasra and Superintendent of Warangal District and also from the O.S.D., Warangal, and (3) To register a Case against the Police who have participated in the aboe Crime;

Counsel for the Petitioner:MR.B.JAYAKAR

Counsel for the Respondent Nos.1 to 7: GP FOR HOME

Counsel for the Respondent No.8: None appeared.

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

A fax message was treated as a taken up petition as regards the alleged killing of four persons in an alleged fake encounter on 1st Feburary, 2000 in Karlapally forest area in Pasra Police Station area, Mulugu police Division, Warangal District.

Sri B.Damodar Reddy, the then Deputy Superintendent of Police, Manuguru Sub Division, Khammam, filed his affidavit stating that based upon the guidelines of the Human Rights Commission, the case was transferred to him for investigation and as a result of the investigation, the facts which came to his light were:

> "….on 31-1-2000 night, Sub-Inspector of Police, Pasara along with the Special Party left Pasara for anti-extremists operations in Karlapalli forest area and while on 1-2-2000 at about 10.30 A.M., they were conducting combing operations in Chandru Thanda area, they noticed 10 under ground cadre extremists, possessing illegal fire arms. On seeing them, police disclosed their identity and asked the extremists to surrender, but the extremists paid deaf ear to the warnings of the police and opened fire on the police party with an intention to kill them. Thereupon, the police party also opened fire in self-defence in order to save their lives. The exchange of fire took place for about 20 minutes. Later, the firing was stopped. The police party searched the area and found four dead bodies. The said dead bodies were identified as (1) Muppidi Thirupathi, (2) Muppidi Sujatha, (3) Muppidi Kumara Swamy and (4) Niranjan @ Dasa Santosh of Praja Prathigatana Organisation and one Springfield riffle, one 8mm riffle, one revolver and five kit bags were also found at the scene of offence. The allegation that the said four persons preparing tea, while they were taken into custody by police, is incorrect.
>
> It is submitted that on the complaint of Sub-Inspector,

Pasra, a case was registered in Cr.No.2/2000 u/s.148, 307 r/w 149 IPC and Sec.25(1-B)(a), 27 of Arms Act and 174 Cr.P.C., was registered at PS Pasara. Later CI, Etunagaram took up investigation and he sent a requisition to MRO, Govindaraopet to conduct inquest over the dead bodies of the deceased 1 to 4. He held inquest over the dead bodies of the deceased 1 to 4 in the presence of panch-witnesses. The statements of the witnesses were recorded and the dead bodies of the deceased were forwarded to Govt. Civil Hospital, Mulug for P.M.E and the dead bodies were handed over to their relatives and they were cremated."

In view of the aforementioned facts as came to light during the investigation, no direction deserves to be issued in this petition, which stands closed.

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DEVINDER GUPTA, CJ

22-11-2004

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M.NARAYANA REDDY, J

Tvr

To

1 The S.H.O. Pasra (P.S.), Mulugu Circle & Sub-Division.
Warangal District.
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Division. Warangal District.

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Secretariat, Hyderabad.
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District.

9 2 CCs to the Govt. Pleader for Home, High Court Buildings,

Hyderabad (OUT).

10 2 CCs to the Member Secretary, A.P. Legal Services Authority, High

Court Buildings, Hyderabad (OUT).

11 2 CD copies.